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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/161,404	09/28/1998	SHUICHI NAKAMURA	862.2473	7602

5514 7590 05/06/2004

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NEW YORK, NY 10112

EXAMINER

PARTON, KEVIN S

ART UNIT	PAPER NUMBER
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2153

DATE MAILED: 05/06/2004

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/161,404

Applicant(s)

NAKAMURA, SHUICHI

Examiner

Kevin Parton

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 February 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 48, 51, 54 and 55 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 48, 51, 54 and 55 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 02/27/2004 have been fully considered but they are not persuasive. Please see the following reasons and the new grounds of rejection below.
2. The applicant argues "Girerd is not seen to disclose that the sensor displayed on the map represents the information generating terminal and a URL for accessing the ...terminal" (page 8, paragraph 2). The argument is not persuasive because Girerd et al. (USPN 6,131,067) does teach that the icon is a representation of the information generating terminal in column 5, lines 33-37. In column 6, lines 9-19, Girerd et al. (USPN 6,131,067) teaches means for accessing the information via the user interface. Further, please note that the Girerd et al. (USPN 6,131,067) reference is not relied upon to teach the use of a URL for accessing the information from the map display.
3. All further arguments are moot in view of the new grounds of rejection presented below.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 48, 51, 54, and 55 are rejected under 35 U.S.C. 103(a) as being unpatentable over Girerd et al. (USPN 6,131,067) in view of Phelan et al. (WO 97/07467).

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6. Regarding claims 48 and 51, Girerd et al. (USPN 6,131,067) teach a system to output information of an information generating terminal to an output terminal via a network comprising:

- a. A communication device adapted to receive position status information of the information generating terminal, to update position information of the information generating terminal in accordance with the received position status information, and to transmit geographic map information in accordance with the position information to an output terminal (column 5, lines 33-37; column 5, line 64 – column 6, line 16; figure 6, element 308).
- b. A search device adapted to search position information in accordance with a request by the output terminal (column 5, lines 26-37).
- c. A display information generating device adapted to generate display information as the geographic map information, the display information including a map corresponding to the position information searched and an icon to be displayed on the geographic map, the icon representing the information generating terminal (column 5, lines 34-37; column 5, line 65 – column 6, line 10).
- d. Wherein, the communication device transmits the geographic map information to the output terminal in response to the request from the output terminal (column 5, lines 26-37; column 5, line 65 – column 6, line 10).
- e. Wherein the output terminal displays a geographic map with the icon representing the information generating terminal, and the output terminal

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accesses the information generating terminal (column 5, lines 26-37; column 5, line 65 – column 6, line 10; column 6, lines 9-19).

Although the system disclosed by Girerd et al. (USPN 6,131,067) shows substantial features of the claimed invention, it fails to disclose means wherein:

- a. A database is used for storing position information and providing information to the output terminal.
- b. A Uniform Resource Locator (URL) associated with the icon is used to access information.

Nonetheless, these features are well known in the art and it would have been an obvious modification of the system disclosed by Girerd et al. (USPN 6,131,067), as evidenced by Phelan et al. (WO 97/07467).

In an analogous art, Phelan et al. (WO 97/07467) discloses a system for geographic location of entities via a network with means wherein:

- a. A database is used for storing position information and providing information to the output terminal (page 5, lines 5-24; page 15, lines 22-24).
- b. A Uniform Resource Locator (URL) associated with the icon is used to access information (page 8, lines 28-31).

Given the teaching of Phelan et al. (WO 97/07467), a person having ordinary skill in the art would have readily recognized the desirability and advantages of modifying Girerd et al. (USPN 6,131,067) by employing the use of a database for storing information and a URL for retrieving. This benefits the system by allowing information to be stored in a logical manner

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than is easily accessed and updated. Further, the use of URLs allows the implementation to be platform independent.

7. Regarding claim 54, Girerd et al. (USPN 6,131,067) teach all the limitations as applied to claim 48. They further teach means wherein the display information is transmitted to the output terminal with GET method of HTTP by the communication device (column 5, lines 42-43; column 6, lines 9-19).

8. Regarding claim 55, Girerd et al. (USPN 6,131,067) teach all the limitations as applied to claim 51. They further teach means wherein the generated display information is transmitted to the output terminal with GET method of HTTP (column 5, lines 42-43; column 6, lines 9-19).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kevin Parton whose telephone number is (703)306-0543. The examiner can normally be reached on M-F 8:00AM - 4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenton Burgess can be reached on (703)305-4792. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


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Kevin Parton
Examiner
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